

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HANY F. KOULTA, Personal Representative
of the Estate of Sami F. Koulta,

CIVIL CASE NO. 04-40343

Plaintiff,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

v.

CITY OF CENTERLINE, OFFICER DANIEL
MERCIEZ, OFFICER ROBERT
WROBLEWSKI, and OFFICER STEVEN
HILLA,

Defendants.

ORDER ACCEPTING REPORT AND RECOMMENDATION

This is a civil rights action under 42 U.S.C. §§ 1983 and 1988 in which Plaintiff has named the City of Centerline, Officer Merciez, Officer Wroblewski, and Officer Hilla as Defendants. Before the Court is Defendant City of Centerline's motion for summary judgment pursuant to Federal Rule of Civil Procedure 56, filed on November 30, 2005, and the Report and Recommendation of Magistrate Judge R. Steven Whalen, filed on August 24, 2006. The magistrate judge's report and recommendation recommended that this Court grant Defendant City of Centerline's motion for summary judgment. The Magistrate Judge also notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendations.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp.

2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Whalen’s report and recommendation, *see* 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry 59] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Defendant City of Centerline’s motion for summary judgment [docket entry 39] is **GRANTED**.

SO ORDERED.

Dated: September 18, 2006

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on September 18, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Iris E. Rubin; James E. Tamm; Michael M. Wachsberg, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: _____.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
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